

SEALED

FILED

MAY 06 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

14 CR 0903ED

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE GREENWALD,
SCOTT GOLLAN,
JAMES PENNOYER,
MICHAEL GREENWALD,

Defendants.

) Case No. _____
)
) FILED UNDER SEAL
)
) INDICTMENT
) [COUNT 1: 18 U.S.C. § 371 -
) Conspiracy;
) COUNT 2: 18 U.S.C. § 1956(h) -
) Conspiracy to Commit Money
) Laundering; Forfeiture Allegation: 18
) U.S.C. § 982(a)(1) - Money Laundering
) Conspiracy Forfeiture;
) COUNT 3: 18 U.S.C. § 1349 -
) Conspiracy to Commit Mail and Wire
) Fraud; Forfeiture Allegation: 18
) U.S.C. § 981(a)(1)(C) and 28 U.S.C.
) § 2461(c) - Mail Fraud and Wire
) Fraud Conspiracy Forfeiture;
) COUNT 4: 18 U.S.C. § 659 - Theft of
) Interstate and Foreign Shipment by
) Carrier;
) COUNT 5: 18 U.S.C. § 2315 - Sale of
) Stolen Goods Having Traveled Across
) State Lines;
) COUNT 6: 18 U.S.C. § 2314 -
) Transportation of Stolen Goods Across
) State Line;
) COUNTS 7 and 8: 18 U.S.C. §
) 1028(a)(7) - Identity Theft]

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 371]

THE TARGETED COMPANIES AND
THE OTHER CO-CONSPIRATORS

At all times relevant to this Indictment:

Companies Targeted by the Conspiracy

1. Verizon Communications, Inc. (“Verizon”) was a telecommunications company doing business in all fifty states and throughout the world. As part of its business, Verizon operated a warehouse in Tulsa, Oklahoma, within the Northern District of Oklahoma, for the purpose of receiving, storing, and shipping telecommunications equipment to various locations, both inside and outside Oklahoma. This telecommunications equipment was used to transmit and receive electronic communications in intrastate, interstate and international commerce.

2. Fujitsu Network Communications, Inc. (“Fujitsu”) was an international company based in Japan. Fujitsu maintained a plant in Richardson, Texas, where it manufactured and distributed telecommunications equipment to numerous businesses, including Verizon.

3. TelExpress, Inc. (“TelExpress”) was a business located in Archdale, North Carolina. TelExpress was in the business of buying and selling telecommunications equipment on the “secondary market” throughout the United States.

The Co-Conspirators

4. Defendant **JESSE GREENWALD** was a resident of Colorado and the Northern District of Oklahoma.

5. Defendant **SCOTT GOLLAN (“GOLLAN”)** was a resident of Texas and Colorado.

6. Defendant **JAMES PENNOYER**, (“**PENNOYER**”) was a resident of the Northern District of Oklahoma, **PENNOYER** was a contract employee, of the Verizon warehouse in the Northern District of Oklahoma.

7. Defendant **MICHAEL GREENWALD** was a resident of Texas and Colorado.

8. **JESSE GREENWALD**, **GOLLAN**, **PENNOYER** and **MICHAEL GREENWALD** are referred to collectively as “Defendants.” Defendants unindicted and unindicted Co-conspirator #1 will be referred to as the Co-conspirators.

9. A person whose identity is known to the Grand Jury, who will be referred to as unindicted “Co-conspirator #1”, was a resident of Colorado.

10. The Co-conspirators conducted business in the names of CCE Acquisitions, CCA Acquisitions, and SCREA LLC.

11. Unindicted co-conspirator #1 maintained an account, in his own name, at ENT Bank, located in Colorado Springs, Colorado (“ENT Bank”); the last four digits of the account number were 1926 (“ENT account number 1926”).

12. Unindicted co-conspirator #1 maintained an account, in the name of CCA Acquisitions at ENT Bank; the last four digits of the account number were 0405 (“ENT account number 0405”).

THE CONSPIRACY AND ITS OBJECTS

13. From a date unknown, but sometime prior to July 2009, and continuing until the date of this indictment, in the Northern District of Oklahoma and elsewhere, the defendants, **JESSIE GREENWALD**, **SCOTT GOLLAN**, **JAMES PENNOYER**, and

MICHAEL GREENWALD, knowingly and willfully combined, conspired and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following crimes against the United States:

- a) To steal telecommunications equipment valued in excess of \$1,000.00 from Verizon, in violation of Title 18, United States Code, Section 659;
- b) To transport, stolen items valued in excess of \$5,000.00 in interstate commerce, in violation of Title 18, United States Code, Section 2314; and
- c) To sell stolen items valued in excess of \$5,000.00 that had crossed a state line, in violation of Title 18, United States Code, Section 2315.

MANNER AND MEANS

The objects of the conspiracy were to be achieved by the following manner and means among others,

14. It was part of the conspiracy that the Defendants would and did steal telecommunications equipment from a Verizon warehouse located in the Northern District of Oklahoma.

15. It was part of the conspiracy that **PENNOYER**, would and did use his position as a contract employee, working at the Verizon warehouse, to aid in the theft of the telecommunications equipment from the Verizon warehouse.

16. It was part of the conspiracy that the Defendants would and did take the stolen telecommunications equipment to Colorado, for storage pending its sale.

17. It was part of the conspiracy that **JESSE GREENWALD** would and did locate potential buyers for the stolen telecommunications equipment.

18. It was part of the conspiracy that **JESSE GREENWALD** would and did use numerous false identities of real persons to further the objectives of the conspiracy.

19. It was part of the conspiracy that the co-conspirators would and did sell and ship the stolen telecommunications equipment to TelExpress in North Carolina.

20. It was part of the conspiracy that various co-conspirators would and did open and maintain bank accounts to receive payments from TelExpress.

21. It was part of the conspiracy that the co-conspirators would and did cause TelExpress to send its payments in the form of checks and wire transfers to various co-conspirators.

22. It was part of the conspiracy that the co-conspirators would and did divide and disburse among themselves the money received from TelExpress.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Northern District of Oklahoma and elsewhere.

23. On or about July 17, 2009, **JESSE GREENWALD**, posing as a real person known to the Grand Jury and designated herein as "RM", sent an e-mail to TelExpress detailing the items he had available for sale.

24. On or about July 27, 2009, **JESSE GREENWALD**, posing as RM, faxed a vendor form to TelExpress from "CCEAQUasitions, llc". The name of a real person

known to the Grand Jury and designated here as “WS” and **JESSE GREENWALD**’s Social Security Number were provided to TelExpress on the form.

25. On or about July 27, 2009, **JESSE GREENWALD**, posing as RM, sent an e-mail to TelExpress, which discussed his partner “W” and also referenced finding the right numbers and hoping TelExpress wanted the “little gems.” The e-mail also provided a contact phone number of (710-464-1355) and requested that checks be overnighted to WS in Colorado Springs, Colorado.

26. On or about October 12, 2009, **GOLLAN** opened an account at a Chase Bank location in the Northern District of Oklahoma; the last four digits of the account number were 8447 (“Chase account 8447”).

27. On or about October 16, 2009, **MICHAEL GREENWALD** became a signator on Chase account 8447.

28. From on or about October 14, 2009, to on or about December 16, 2009, **GOLLAN** and **MICHAEL GREENWALD** received 16 wire transfers from TelExpress into Chase account 8447.

29. On or about October 28, 2009, **GOLLAN** rented a van from Capps Van & Truck Rental in Tulsa, Oklahoma, that was used to steal telecommunications equipment from the Verizon warehouse and to transport it to Colorado.

30. From on or about February 22, 2010, to on or about May 1, 2010, **GOLLAN** rented a storage facility at Stetson Hills Self Storage in Colorado Springs, Colorado, where the co-conspirators stored the stolen telecommunications equipment.

31. On or about February 23, 2010, **GOLLAN** opened an account at Chase Bank; the last four numbers of the account were 0169 (“Chase account 0169”).

32. On or about February 23, 2010, **GOLLAN** opened an account at First Bank of El Paso County; the last four numbers of the account were 2929 (“First Bank account 2929”).

33. On or about February 23, 2010, **GOLLAN** sent an e-mail to TelExpress, instructing it to split its wire payments 50/50 between Chase account number 0169 and First Bank account 2929.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
[18 U.S.C. § 1956(h)]

THE CONSPIRACY AND ITS OBJECTS

From in about July 2009 through the date of this Indictment, in the Northern District of Oklahoma and elsewhere, defendants **JESSE GREENWALD, JAMES PENNOYER, SCOTT GOLLAN, MICHAEL GREENWALD**, and others, known and unknown to the Grand Jury, knowingly and intentionally conspired to:

To engage in monetary transactions by, through and to a financial institution, in and affecting interstate and international commerce, in criminally derived property that was of a value greater than \$10,000, that is, the deposit, withdrawal, transfer, and exchange of United States currency, funds, and monetary instruments, such property having been derived from specified unlawful activity, namely, theft of interstate and foreign shipment by carrier, in violation of Title 18, United States Code, Section 659.

MANNER AND MEANS OF THE CONSPIRACY

34. The co-conspirators used the following manner and means among others to achieve the objects of the conspiracy:

35. The allegations of Count One, paragraphs 1 through 33, are incorporated herein by reference.

36. Including, but not limited to, on or about the dates listed in the table below, as part of the conspiracy, the defendants would, and did, in the Northern District of Oklahoma, and elsewhere, the defendants cause the payments, described in the table below, to be received from TelExpress.

37. Including, but not limited to, on or about the dates listed in the table below, after fraudulently receiving and depositing funds received from TelExpress, co-

conspirators withdrew funds from the depository accounts and disbursed some of those funds to other co-conspirators.

Date of Transaction	Account	Deposit Type or Withdrawal	Deposit Source (Withdrawal Name)	Deposit (Withdrawal) Amount
7/29/2009	ENT 1926	Check	TELEXPRESS INC	1,700.00
8/21/2009	ENT 1926	Check	TELEXPRESS INC	8,330.00
9/18/2009	ENT 1926	Check	TELEXPRESS INC	7,250.00
9/22/2009	ENT 1926	Check	TELEXPRESS INC	5,750.00
9/23/2009	ENT 0405	WIRE	TELEXPRESS INC	8,870.00
10/6/2009	ENT 0405	WIRE	TELEXPRESS INC	13,750.00
10/7/2009	ENT 0405	WIRE	TELEXPRESS INC	5,115.00
10/8/2009	ENT 0405	WIRE	TELEXPRESS INC	6,100.00
10/14/2009	Chase 8447	WIRE	TELEXPRESS INC	20,660.00
10/15/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(20,000.00)
10/15/2009	Chase 8447	WIRE	TELEXPRESS INC	23,910.00
10/16/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(24,000.00)
10/16/2009	Chase 8447	WIRE	TELEXPRESS INC	9,000.00
10/29/2009	Chase 8447	WIRE	TELEXPRESS INC	15,050.00
10/30/2009	Chase 8447	WIRE	TELEXPRESS INC	10,025.00
11/03/2009	Chase 8447	WIRE	TELEXPRESS INC	24,850.00
11/4/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(15,000.00)
11/4/2009	Chase 8447	WIRE	TELEXPRESS INC	19,000.00
11/5/2009	Chase 8447	WIRE	TELEXPRESS INC	7,000.00
11/9/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(12,700.00)
11/9/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(12,000.00)
11/10/2009	Chase 8447	WIRE	TELEXPRESS INC	24,000.00
11/12/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(15,000.00)
11/13/2009	Chase 8447	WIRE	TELEXPRESS INC	22,600.00
11/17/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(15,000.00)
11/17/2009	Chase 8447	WIRE	TELEXPRESS INC	23,000.00
11/19/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(15,000.00)
11/23/2009	Chase 8447	WIRE	TELEXPRESS INC	21,475.00
11/24/2009	Chase 8447	WITHDRAWAL	(SCOTT GOLLAN DBA CCE ACQUISITIONS)	(15,000.00)
12/1/2009	Chase 8447	WIRE	TELEXPRESS INC	23,725.00
12/08/2009	Chase 8447	WIRE	TELEXPRESS INC	30,275.00
12/9/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(16,000.00)
12/10/2009	Chase 8447	WIRE	TELEXPRESS INC	24,400.00
12/11/2009	Chase 8447	WITHDRAWAL	(GOLLAN, SCOTT)	(12,000.00)
12/16/2009	Chase 8447	WIRE	TELEXPRESS INC	12,975.00
3/2/2010	Chase 0169	WIRE	TELEXPRESS INC	26,000.00

Date of Transaction	Account	Deposit Type or Withdrawal	Deposit Source (Withdrawal Name)	Deposit (Withdrawal) Amount
3/2/2010	Chase 0169	WIRE	TELEXPRESS INC	17,000.00
3/2/2010	First Bank 2929	WIRE	TELEXPRESS INC	26,000.00
3/3/2010	Chase 0169	WITHDRAWAL	(GOLLAN, SCOTT)	(34,000.00)
3/3/2010	First Bank 2929	WITHDRAWAL	(GOLLAN, SCOTT)	(16,000.00)
3/5/2010	Chase 0169	WITHDRAWAL	(SCREA, LLC)	(25,000.00)
3/5/2010	First Bank 2929	CHECK	(GOLLAN, SCOTT)	(20,000.00)
3/5/2010	Chase 0169	WIRE	TELEXPRESS INC	18,250.00
3/5/2010	First Bank 2929	WIRE	TELEXPRESS INC	18,250.00
3/9/2010	First Bank 2929	WIRE	TELEXPRESS INC	19,087.50
3/9/2010	Chase 0169	WIRE	TELEXPRESS INC	19,087.50
3/12/2010	First Bank 2929	WITHDRAWAL	(SCREA, LLC)	(15,000.00)

38. Defendant **PENNOYER** purchased a 2002 Jayco Motorhome from Southern RV, Inc. on March 19, 2010 for \$22,000 cash.

All in violation of Title 18, United States Code, Sections 1956(h) and 1957.

MONEY LAUNDERING FORFEITURE ALLEGATION
[18 U.S.C. § 982(a)(1)]

The allegations contained in Count Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 982(a)(1).

Upon conviction of the money laundering conspiracy alleged in Count Two of this Indictment, as part of their sentence, the defendants, **JESSE GREENWALD, JAMES PENNOYER, SCOTT GOLLAN, and MICHAEL GREENWALD**, shall forfeit to the United States any property, real or personal, involved in such conspiracy, and any property traceable to such property, including but not limited to:

MONEY JUDGMENT

A sum of money in an amount of at least \$794,185 representing money involved in the money laundering conspiracy, for which the defendants are jointly and severally liable.

MOTOR HOME

2002 Jayco Motorhome.

Pursuant to Title 21, United States Code, Section 853(p), as adopted by Title 18, United States Code, Section 982(b), the defendants shall forfeit substitute property, up to the value of the property described above if, by any act or omission of the defendants, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been

placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All pursuant to Title 18, United States Code, Sections 982(a)(1).

COUNT THREE
[18 U.S.C. § 1349]

THE CONSPIRACY AND ITS OBJECTS

39. The allegations of Count One, paragraphs 1 through 33, are incorporated herein by reference.

40. From sometime prior to July 2009, and continuing thereafter until the date of this Indictment, in the Northern District of Oklahoma and elsewhere, defendants, **JESSE GREENWALD, JAMES PENNOYER, SCOTT GOLLAN, and MICHAEL GREENWALD** and others known and unknown to the Grand Jury, knowingly and intentionally conspired to commit the following offense against the United States:

1. Wire fraud, in violation of Title 18, United States Code, Section 1343.
2. Mail fraud, in violation of Title 18, United States Code, Section 1341.

THE SCHEME

41. The co-conspirators devised a scheme in which they would steal telecommunications equipment from a Verizon warehouse located in Tulsa, Oklahoma.

42. The co-conspirators would then find a buyer to purchase this stolen equipment.

43. The co-conspirators would fraudulently represent to the buyer that the stolen telecommunications equipment was lawfully obtained by the co-conspirators, knowing, in fact, the telecommunications equipment was in fact stolen.

44. Once the buyers had paid for the stolen telecommunications equipment the money would be divided between the co-conspirators.

MANNER AND MEANS OF THE CONSPIRACY

The co-conspirators used the following manner and means among others, to achieve the objects of the conspiracy.

45. The allegations of Count 1, Paragraphs 1-33 of this Indictment are incorporated herein.

46. The allegations of Count Two "Manner and Means of the Conspiracy" paragraphs 2-4 are incorporated herein.

47. The co-conspirators used, and caused the use of, the United States Mails and commercial interstate carriers to transport checks and stolen telecommunications equipment, in furtherance of their scheme to defraud TelExpress.

48. The co-conspirators used telephones to stay in contact with one another to further their unlawful scheme.

49. The co-conspirators received funds from TelExpress through five separate bank accounts.

50. The co-conspirators transferred, and caused the transfer of funds into bank accounts, for the purpose of achieving the objects of their conspiracy.

All in violation of Title 18, United States Code, Section 1349.

WIRE FRAUD AND MAIL FRAUD FORFEITURE ALLEGATION
[18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)]

The allegations contained in Count Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of the wire fraud and mail fraud conspiracy alleged in Count Three of this Indictment, as part of their sentence, the defendants, **JESSE GREENWALD, JAMES PENNOYER, SCOTT GOLLAN** and **MICHAEL GREENWALD**, shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the conspiracy, including, but not limited to:

MONEY JUDGMENT

A sum of money in an amount of at least \$512,485, representing proceeds obtained as a result of the wire fraud conspiracy, for which the defendants are jointly and severally liable.

MOTOR HOME

2002 Jayco Motorhome.

Pursuant to Title 21, United States Code, Section 853(p), as adopted by Title 28, United States Code, Section 2461(c), the defendants shall forfeit substitute property, up to the value of the property described above if, by any act or omission of the defendants, the property described above, or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been

placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

COUNT FOUR
[18 U.S.C. § 659]

The allegations of Count One, Paragraph 1-32, are incorporated herein by reference.

From in or about July 2009 to in or about March 2010, in the Northern District of Oklahoma, and elsewhere, defendants, **JESSE GREENWALD, SCOTT GOLLAN, JAMES PENNOYER, and MICHAEL GREENWALD**, unlawfully, willfully, and knowingly and with intent to convert to their own use, did embezzle, steal, and take and carry away from a Verizon warehouse located in the Northern District of Oklahoma, goods and chattels of a value in excess of One Thousand Dollars (\$1,000), that is, telecommunications equipment which were moving as, were a part of, and constituted an interstate shipment of freight and express from Fujitsu in Texas to Verizon in Oklahoma and elsewhere.

All in violation of Title 18 United States Code, Section 659.

COUNT FIVE
[18 U.S.C. § 2315]

From in or about July 2009 to in or about March 2010, in the Northern District of Oklahoma, and elsewhere, defendants, **JESSIE GREENWALD, SCOTT GOLLAN, JAMES PENNOYER, and MICHAEL GREENWALD**, did unlawfully possess, conceal, store, barter, sell, and dispose of goods, wares, and merchandise, that is, telecommunications equipment of the value of \$5,000 and more, which had crossed a state boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken.

All in violation of Title 18, United States Code, Section 2315.

COUNT SIX
[18 U.S.C. § 2314]

From in or about July 2009 to about in or March 2010, in the Northern District of Oklahoma, and elsewhere, defendants, **JESSE GREENWALD, SCOTT GOLLAN, JAMES PENNOYER, and MICHAEL GREENWALD**, did unlawfully transport, transmit, and transfer in interstate commerce, from the Northern District of Oklahoma to North Carolina, stolen goods, wares, and merchandise, that is, telecommunications equipment of the value of \$5,000 and more, knowing the same to have been stolen, converted, and taken by fraud.

All in violation of Title 18 United States Code, Section 2314.

COUNT SEVEN
[18 U.S.C. § 1028(a)(7)]

From in or about September 30, 2009 to in or about November 6, 2009, in the Northern District of Oklahoma, and elsewhere, defendant, **JESSE GREENWALD**, did knowingly possess and use in and affecting interstate and foreign commerce, without lawful authority, a means of identification of other persons known to the Grand Jury and designated herein as stated below, with the intent to commit and in conjunction with unlawful activity that constituted a violation of Federal law, namely:

- a. Conspiracy, in violation of Title 18, United States Code, Section 371, as alleged in Count One of this Indictment;
- b. Conspiracy to Commit Money Laundering, in violation of Title 18, United States Code, Section 1956(h), as alleged in Count 2 of this Indictment;
- c. Conspiracy to Commit Mail and Wire Fraud, in violation of Title 18, United States Code, Section 1349, as alleged in Count 3 of this Indictment;
- d. Theft of Interstate and Foreign Shipment by Carrier, in violation of Title 18, United States Code, Section 659, as alleged in Count 4 of this Indictment;
- e. Sale of Stolen Goods Having Traveled Across States Lines, in violation of Title 18, United States Code, Section 2315, as alleged in Count 5 of this Indictment; and
- f. Transportation of Stolen Goods Across State Line, in violation of Title 18, United States Code, Section 2314, as alleged in Count 6 of this Indictment;

All in violation of Title 18, United States Code, Section 1028(a)(7) and Title 18, United States Code, Section 2.

COUNT EIGHT
[18 U.S.C. § 1028(a)(7)]

On or about June 14, 2010, in the Northern District of Oklahoma, defendant **JESSE GREENWALD** did knowingly transfer, possesses and use in and affecting interstate and foreign commerce, without lawful authority, a means of identification of another person, known to the grand jury, with the intent to commit or to aid or abet, or in connection with, any unlawful activity that constitutes a felony under state law to-wit: False Personation, in violation of 21 O.S. 1991 § 1531.

All in violation of Title 18, United States Code, Section 1028(a)(7).

DANNY C. WILLIAMS, SR.
UNITED STATES ATTORNEY

A TRUE BILL



DENNIS A. FRIES
Assistant United States Attorney

/s/ Grand Jury Foreperson
Grand Jury Foreperson